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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

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11 KORRELL SANTANA COLE,

12 Plaintiff,

13 vs.

14 LOS ANGELES COUNTY, et al.,

15 Defendants.
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Case No. 2:23-cv-10392-SB-PD

Honorable Stanley Blumenfeld, Jr.

**SUPPLEMENTAL
DECLARATION OF PAUL B.
BEACH IN SUPPORT OF
DEFENDANTS' *EX PARTE*
APPLICATION FOR ORDER
MODIFYING CASE
MANAGEMENT ORDER [ECF
58]**

DECLARATION OF PAUL B. BEACH

I, Paul B. Beach, declare as follows:

1. I am an attorney at law, duly authorized to practice before this Court and I am the managing shareholder of the law firm Lawrence Beach Allen & Choi, PC, attorneys of record for Defendants Sheriff Robert Luna, Andrew Palencia, Brian Pineda, Sergio Palacios, and Clayton Stelter (collectively, “Defendants”) in the above-entitled action. I have personal knowledge of the facts stated herein, except those stated upon information and belief as to those matters, I believe them to be true. If called to testify to the matters herein, I could and would competently do so.

2. I submit this supplemental declaration in support of Defendants’ *EX PARTE* APPLICATION FOR ORDER MODIFYING CASE MANAGEMENT ORDER [ECF 58] (the “Application”).

3. Since the filing of the Application, at the request of Defendants, the Magistrate Judge held an informal discovery conference (“IDC”) on November 8, 2024, due to Plaintiff’s failure to cooperate in written and oral discovery. Counsel for Plaintiff did not appear at the IDC. Ultimately, the Magistrate Judge entered two Orders [ECF 63 & ECF 64]: 1) Ordering the deposition of Plaintiff to proceed on November 13, 2024; and 2) Ordering Plaintiff to provide proper verified responses to Defendants’ Interrogatories, Requests for Production of Documents, and Requests for Admissions (set one) by November 12, 2024 (the day before Plaintiff’s deposition). Attached hereto as Exhibit A [ECF 63] and Exhibit B [ECF 64] are true and correct copies of the aforementioned Orders.

4. With regard to Plaintiff’s responses to Defendants’ written discovery, my office did not receive any responses from Plaintiff or his counsel on November 12, 2024. Moreover, on the 12th and today (13th), I asked Mr. Yagman to email me the responses in advance of the deposition (so that the deposition would be more

1 efficient). Mr. Yagman declined all of my requests. In fact, Mr. Yagman
2 confirmed on the record during Plaintiff's deposition that no responses to the
3 Interrogatories have been verified by Plaintiff. To date, Defendants have not
4 received any responses from Plaintiff to Defendants' written discovery.

5 5. With regard to Plaintiff's deposition, in accordance with the Order
6 from the Magistrate Judge, my office arranged for it to proceed today from 8 a.m. to
7 3 p.m. remotely from the state prison where Plaintiff is housed. Unfortunately, the
8 deposition was a complete waste of time:

- 9 • Before the witness even took the oath, Mr. Yagman unilaterally advised
10 everyone that he would suspend the deposition at 9:30 a.m. and would
11 not return until 1:30 p.m. due to a personal appointment.
- 12 • Mr. Yagman then proceeded to waste a considerable amount of time by
13 reading into the record pages of Plaintiff's untimely objections to the
14 deposition, which the Magistrate Judge had already overruled (*see*
15 Exhibit A [ECF 63] at 2:4-7).
- 16 • In order to expedite the testimony of Plaintiff, I offered to stipulate to
17 attach to the record Plaintiff's objections. Mr. Yagman advised me to
18 "Shut up."
- 19 • **Most importantly, Plaintiff refused to answer any of my questions.**
20 Specifically, for approximately half an hour, I asked Plaintiff about his
21 lawsuit, his allegations, the events related thereto, and Plaintiff's alleged
22 damages. After each question I asked, Mr. Yagman advised Plaintiff
23 that he preferred him not to answer the question on the ground that Mr.
24 Yagman had purportedly not been able to prepare Plaintiff for the
25 deposition. Plaintiff thereafter refused to answer each question I asked.
26 As a result, I eventually advised Plaintiff and Mr. Yagman that I would
27 suspend the deposition and seek appropriate relief from the Court.
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6. As a result of Plaintiff's failure to cooperate in discovery and violation of the Court's Orders, Defendants have been severely prejudiced in this case. They have been unable to obtain critical information they need to defend against Plaintiff's claims including, but not limited to, preparation and filing of a motion for summary judgment.

7. Accordingly, it is the intention of Defendants to bring a motion for a report and recommendation for terminating sanctions or other appropriate relief before the Magistrate Judge (or follow any further instruction from this Court on this issue). If the case is not dismissed entirely because of Plaintiff's discovery violations, then Defendants will require additional time to obtain needed discovery from Plaintiff and prepare appropriate law and motion. As of today, Defendants do not have from Plaintiff any discovery responses or sworn testimony. Lastly, Plaintiff's counsel did not appear at my office on November 8, 2024, as I requested, in order for the parties to meet and confer in accordance with this Court's Order re motions for summary judgment. As a result, Defendants were not able to meet and confer with Plaintiff and the deadline to do so has already passed. In fact, Plaintiff's counsel has only offered to meet and confer regarding a motion for summary judgment two weeks after the Court's deadline has already passed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 13, 2024 at Pasadena, California

/s/ Paul B. Beach
Paul B. Beach